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9 **VICTOR HERNANDEZ PENA**

10 UNITED STATES DISTRICT COURT

11 EASTERN DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA) **CASE NO. 1:21-CR-00090-JLT**
13)
14 Plaintiff,) **STIPULATION TO CONTINUE
15) CHANGE OF PLEA HEARING**
16 v.)
17)
18 VICTOR HERNANDEZ PENA,)
19)
20 Defendant.)
21)
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23)
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28)

19 Defendant, VICTOR HERNANDEZ PENA, by and through counsel of record,
20 NICHOLAS F. REYES, and Plaintiff, UNITED STATES OF AMERICA, by and through
21 its counsel of record, STEPHANIE STOKMAN, Assistant United States Attorney for the
22 Eastern District of California, hereby stipulate as follows:

23 The parties hereby stipulate to continue the Change of Plea hearing from November 4,
24 2024 to February 24, 2025.

25 The parties anticipate entering into and filing a plea agreement in this matter. Defendant
26 has been dealing with serious health issues that have delayed the filing of the plea agreement.
27 Defendant has a heart condition which has him undertaking medical treatment procedures at

Stanford Medical Center.

The parties stipulate that the period of time until February 24, 2025, is deemed excludable pursuant to 18 U.S.C. §3161(h)(7)(A) and 3161 (h)(7)(B)(i) and (iv) because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

For the reasons set forth above and based on good cause the parties agree that the change of plea hearing be continued from November 4, 2024 to February 24, 2025 at 9:00 a.m.

IT IS SO STIPULATED.

Dated: October 31, 2024

/s/ Stephanie Stokman
STEPHANIE STOKMAN, AUSA

Dated: October 31, 2024

/s/ Nicholas F. Reyes
NICHOLAS F. REYES, ESQ.

IT IS SO ORDERED.

Dated: **October 31, 2024**

Jennifer L. Thurston
UNITED STATES DISTRICT JUDGE